

NOTICE - EFFECTIVE DECEMBER 3, 2007

The Indiana Department of Natural Resources (IDNR) along with the U.S. Army Corps of Engineers (USACE), Detroit and Louisville Districts, and the Indiana Department of Environmental Management has partnered to simplify the permit process for some construction projects on the public freshwater lakes in Indiana.

To make it easier for citizens and contractors to get a permit for construction projects on public freshwater lakes in the State of Indiana, the U.S. Army Corps of Engineers has issued a Programmatic General Permit (PGP) for specific construction projects on public freshwater lakes, copy enclosed. The type of projects that may qualify for a PGP Category 1 are certain shoreline protections, beaches, and boat well fills on public freshwater lakes in Indiana.

Under the PGP, if a proposed construction project qualifies under the PGP Category 1, the Certificate of Approval issued by IDNR will also qualify the project for the authorization under the Section 404 of the Clean Waters Act regulated by the U.S. Army Corps of Engineers and the Section 401 Water Quality Certification regulated by the Indiana Department of Environmental Management. This Section 404 and Section 401 authorization is subject to complying with the federal general conditions provided with the IDNR Certificate of Approval.

If the IDNR staff determines that the project does not meet the PGP Category 1 criteria, IDNR will forward a copy of the application to the USACE district office for review of the project under the federal regulations. IDNR will notify the applicant and agent with a letter to inform them that a copy of the application has been mailed to the USACE for review.

New Procedures for the PGP:

- Applicant or agent: Submit an IDNR application, Form # 42946 (R6 / 2-05) to the IDNR, Division of Water. Do not submit an application to the U.S. Army Corps of Engineers or the Indiana Department of Environmental Management for projects on a public freshwater lake.
- IDNR: The Division of Water will review projects for glacial stone seawalls, bioengineered bank protection, reconstruction/refacing of existing and lawful seawalls, beaches, and boat well fills. If the project meets the criteria for the PGP Category 1, and is approvable under the Lake Preservation Act, IC 14-26-2, a permit will be issued by IDNR that will indicate on the Special Conditions page that the project is also authorized by the U.S. Army Corps of Engineers and the Indiana Department of Environmental Management.
- IDNR: For other types of projects not covered under the PGP or that are classified as a PGP Category 2, IDNR will forward a copy of your application to the appropriate U.S. Army Corps of Engineers District office for their review of the project.
- USACE: The USACE District Office will notify the Indiana Department of Environmental Management when a review is required under Section 401 Water Quality Certification. The applicant will be notified by letter.
- If additional information is needed by any of the agencies, the agency will contact the property owner, agent, or their contractor directly.

This Programmatic General Permit and the new procedures noted above only apply to projects on public freshwater lakes and subject to the Public Freshwater Lake Act, IC 14-26-2. Obtaining permits for all other federal, state, or local regulations is your responsibility.

For additional information about the Programmatic General Permit, contact the U.S. Army Corps of Engineers office at 313-226-6828, Detroit District Office or 502-315-6733, Louisville District Office, or refer to the public notice available at http://www.lre.usace.army.mil/functions/rf/html/PGP_Final.pdf

For more information about the processing of your application, please contact the Technical Services Section of the Division of Water, Department of Natural Resources, at their toll free number, 1-877-928-3755.

